

REMARKS

Claims 12, 13, 26, 27, 28, 29, 30, 31 and 32 are pending. Claims 28 and 32 are independent.

The examiner uses Feuerstein to reject claims 28 and 31 as having been anticipated.

Claim 28, as amended, recites "wherein the compound is a trans isomer and R₃, R₅ are selected from the group consisting of OH, O-C₁-C₅ alkoxy, F, Cl, and CF₃." Feuerstein fails to disclose or describe this quoted claim feature.

Feuerstein's R³ on page 2193 relates to applicant's R₅. Feuerstein discloses R³ as being H and 6-Me while applicant's claim calls for R₅ to be selected from the group of OH, O-C₁-C₅ alkoxy, F, Cl, and CF₃. Accordingly, claim 28 is not anticipated by Feuerstein.

The examiner uses Meier to reject claim 28 as having been anticipated.

Claim 28, as amended, recites "R₄, R₅' are H; R₃', R₄' are independently selected from the group consisting of OH, O-C₁-C₅ alkoxy, F, Cl, CF₃, and H." Meier fails to disclose or describe this quoted claim feature.

Meier's R² calls for OC₆H₁₃ and relates to applicant's R₄'. Applicant's claim recites wherein R₄, R₅' are H; R₃', R₄' are independently selected from the group consisting of OH, O-C₁-C₅ alkoxy, F, Cl, CF₃, and H. Accordingly, claim 28 is not anticipated by Meier.

The examiner uses Suga and Silverman to reject claims 11-13, 26-29 and 32 as having been obvious.

Applicant's claims 28 and 32, as amended, recite "if R₃ and R₅ are both Cl, R₃' is not OH or OCH₃."

Suga teaches away from this claim feature. More specifically, Suga's compound 7 in Table 1 in col. 5 and col. 6 specifically teaches R₃' as OH when R₃ and R₄ are both Cl.

Silverman fails to teach or suggest any trans-1,2-diphenylethylene, i.e., stilbene.

Combining Suga, which specifically teaches away from applicant's claimed invention, with Silverman, which fails to teach or suggest any trans-stilbene, cannot obviate applicant's claimed invention. No one skilled in this art would use the teachings of Suga and Silverman to exclude OH as R₃' when R₃ and R₄ are Cl.

Accordingly, claims 28 and 32 are not obvious in view of Suga and Silverman.

The examiner uses Goodman and Silverman to reject claims 11-13 and 26-32 as having been obvious.

Applicant's claims 28 and 32, as amended, recite "R3 and R5 are both OH, OCH₃, or OCH₃CH₃, R4' is not OH, OCH₃, or OCH₃CH₃,"

Goodman teaches away from this quoted claim feature. More specifically, Goodman teaches R3, R5 and R4' all being OH. As described above, Silverman fails to teach or suggest any trans-1,2-diphenylethylene, i.e., stilbene.

Combining Goodman, which specifically teaches away from applicant's claimed invention, with Silverman, which fails to teach or suggest any trans-stilbene, cannot obviate applicant's claimed invention. No one skilled in this art would use the teachings of Goodman and Silverman to exclude R4' from being OH when R3 and R5 are OH.

Accordingly, claims 28 and 32 are not obvious in view of Goodman and Silverman.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

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